

Message Text

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TO AMEMBASSY BANGKOK
INFO AMCONSUL HONG KONG
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E.O. 11652: N/A

TAGS: MARR, AFIN, VS

SUBJECT: CLAIM AGAINST ICCS

REF: BANGKOK 26601

1. FOR REASONS GIVEN PARAS 3 THROUGH 5 BELOW, DEPARTMENT
NOT RPT NOT ABLE TO CONSIDER PAYMENT OF CLAIMS FROM
MESSRS. PARK OR LEE OR FROM GRAND PACIFIC SERVICES, INC.,
FOR SUMS DUE THEM OR THE COMPANY FROM THE ICCS.
DEPARTMENT WAS UNAWARE UNTIL RECEIPT OF REFTEL THAT FORMER

ICCS ACTING DIRGEN PUDJO PRASETYO HAD INFORMED
CONTRACTORS THAT THEY SHOULD PRESENT TO USG CLAIMS
FOR SERVICES RENDERED TO ICCS. IF TRUE, PUDJO MADE SUCH
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STATEMENT WITHOUT RPT WITHOUT AUTHORITY OF USG.

2. BEGIN FYI. GRAND PACIFIC SERVICES IS (OR WAS) AN AMERICAN FIRM HEADQUARTERED IN GUAM, OPERATING IN SAIGON WITH A KOREAN LOCAL MANAGER K.J. LEE. GRAND PACIFIC HAD A CONTRACT WITH THE ICCS TO UNDERTAKE "MINOR CONSTRUCTION PROJECTS" FOR THE ICCS ON A COST-PLUS BASIS. DEPARTMENT UNDERSTOOD FROM EMBASSY SAIGON LATER LAST YEAR THAT ICCS HAD NOT INCURRED ANY BILLS FROM THAT FIRM SINCE MID-1974

AND POSSIBLY SINCE APRIL 1, 1974 BECAUSE IT HAD NOT ORDERED ANY CONSTRUCTION WORK. END FYI.

3. THE UNITED STATES, AS A PARTY TO THE 1973 PARIS AGREEMENT, WAS OBLIGED UNDER ARTICLE 14 OF THE PROTOCOL ON THE ICCS TO MAKE CERTAIN CONTRIBUTIONS TO THE FINANCIAL SUPPORT OF THE ICCS. BEYOND THOSE CONTRIBUTIONS, THE UNITED STATES HAD NO OTHER RESPONSIBILITY REGARDING THE FINANCIAL SITUATION OF THE COMMISSION. FOR ITS PART, THE COMMISSION MADE CLEAR THAT DECISIONS ON THE WAY IN WHICH IT USED CONTRIBUTIONS FROM THE UNITED STATES (AS WELL AS THE OTHER PARTIES TO THE AGREEMENT) WERE MADE ENTIRELY BY THE COMMISSION. THE UNITED STATES FULLY MET ITS OBLIGATIONS TO PAY FURTHER AMOUNTS TO OR ON BEHALF OF IT.

4. THE DEPARTMENT HAS AGREED TO CONSIDER FOR DIRECT PAYMENT CERTAIN CLAIMS OF PACIFIC ARCHITECTS AND

ENGINEERS, INC. (PA AND E) OF LOS ANGELES FOR LOGISTICAL SERVICES WHICH THE COMPANY PROVIDED THE ICCS UNDER ITS CONTRACT WITH THE COMMISSION. ALTHOUGH WE WERE UNDER NO LEGAL OBLIGATION TO CONSIDER ANY OF THESE CLAIMS, WE AGREED TO DO SO BECAUSE PA AND E HAD CONTINUED PROVIDING ESSENTIAL SERVICES TO THE COMMISSION LAST MARCH AND APRIL -- EVEN THOUGH IT HAD NOT BEEN PAID FOR SEVERAL MONTHS BY THE ICCS -- IN RESPONSE TO SPECIFIC REPRESENTATIONS BY THE DEPARTMENT THAT THE PROVISION OF THESE SERVICES, WITHOUT WHICH THE COMMISSION COULD NOT HAVE CONTINUED TO FUNCTION, WAS IMPORTANT TO THE FOREIGN POLICY INTERESTS OF THE UNITED STATES. PA
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AND E INCURRED CONSIDERABLE EXPENSES IN CONTINUING THESE SERVICES.

5. IN THE CASE OF GRAND PACIFIC SERVICES, EMBASSY SAIGON GAVE NO RPT NO ASSURANCES THAT THE UNITED STATES GOVERNMENT WOULD ASSUME ANY RESPONSIBILITY FOR PAYMENT OF ICCS OBLIGATIONS. THE EMBASSY DID NOT DIRECT OR SUPERVISE GRAND PACIFIC SERVICES ON BEHALF OF THE ICCS, NOR DID IT MONITOR THE COMPANY'S CONTRACT PERFORMANCE. WHEN THE COMMISSION FACED FINANCIAL DIFFICULTIES AND

WAS UNABLE TO PAY ITS CONTRACTORS, NEITHER THE DEPARTMENT
NOR THE EMBASSY ASKED GRAND PACIFIC TO CONTINUE ITS
SERVICES.

6. THE DEPARTMENT'S OFFICE OF SPECIAL CONSULAR SERVICES
IS MAINTAINING A RECORD OF PERSONS WHO SUFFERED LOSSES
IN VIET-NAM WHICH MIGHT AT SOME FUTURE DATE FORM THE
BASIS FOR AN INTERNATIONAL CLAIM. IF GRAND PACIFIC

WISHES TO CORRESPOND WITH THAT OFFICE, IT WILL BE
INFORMED IN THE EVENT OF ANY MATERIAL DEVELOPMENTS
IN THIS REGARD. ROBINSON

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